

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE EASTERN DISTRICT OF TEXAS**  
**TEXARKANA DIVISION**

JERRY STACY, #01060079

§

VS.

§

CIVIL ACTION NO. 5:04cv216

F.C.I. WARDEN

§

**ORDER ADOPTING REPORT AND RECOMMENDATION**

The Court referred the above-entitled and numbered civil action to United States Magistrate Judge Caroline M. Craven. The Magistrate Judge presented for consideration the Magistrate Judge's Report, containing proposed findings of fact and recommendations for disposition of this case. Petitioner filed objections to the Report.

This Court made a *de novo* review of Petitioner's objections and determined that they lack merit. Petitioner's objections assert his arguments to support his challenge that Respondent has failed to credit him for thirty-six months of home detention; however, Petitioner's objections do not address his failure to exhaust his administrative remedies.

This Court finds that the Magistrate Judge's findings and conclusions are correct, and adopts them as the Court's findings and conclusions except that this Court finds that the claims should be dismissed with prejudice. The Court therefore

**ORDERS, ADJUDGES, and DECREES** that this action is **DISMISSED WITH PREJUDICE**; and

**ORDERS** that all motions not previously ruled on are denied.

SIGNED this 8th day of June, 2005.

A handwritten signature in black ink, reading "T. John Ward", is written over a horizontal line.

T. JOHN WARD  
UNITED STATES DISTRICT JUDGE